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TABLE OF AUTHORITIES

STATEMENT OF JURISDICTION

Attorney discipline matter are established by:

(1) Article 5, Section 5 of the Missouri Constitution;

(2) Supreme Court Rule 5

(3) Section 484.040 RSMo 2000, and

(4) Case law of this Court

STATEMENT OF FACTS

Procedural History of Disciplinary Case

In April 2002, Shevron Dunn wrote a letter of complaint against Respondent stating that Respondent had failed to file a petition for expungement. **App 45** This complaint was assigned to Region X Disciplinary committee. **App 48**

On August 13, 2002, Curtis Johnson wrote a letter of complaint against Respondent stating that "the Respondent has been confronted by the staff of the Bar Association of Metropolitan St. Louis and she … failed to comply with the directions they've set forth for her to comply." **App 45** This complaint was assigned to Region X Disciplinary Committee. **App 11**

The division committee assigned to investigate the Dunn and Johnson Complaints took Respondent's sworn statement regarding the Dunn complaint but refused to allow the Respondent to answer to the Johnson complaint. **App 59 (Tr 14,15)**

During the meeting, the committee expressed the belief that Respondent would be helped by having a consultant help. **App 59 (Tr 1-15)** There was no mention at the meeting that Respondent had to hire the consultant. **App 59 (Tr 1-15)** Neither was there any mention that hiring a consultant was mandatory and that the complaints were put in a hold

category subject to being acted upon if no consultant was hired. **App 59 (Tr 1-15)**

A panel was formed to hear the case against the Respondent. The case was heard on June 28, 2004. Also at that time an amended information was filed alleging the Respondent did not cooperate with the disciplinary committee's efforts by retaining the consultant. **App 79 (Tr 14,15)**

On August 25, 2004, the panel issued its finding of fact, conclusions of law, and recommendation for discipline, to wit: Respondent's license be suspended for a period of six months.

Facts Underlying Rule Violations

Johnson Complaint

The Respondent represented Curtis Johnson in a criminal matter in 1993/94. **App** 8 During the time of the representation various parties came to the office and paid money for Mr. Johnson. **App 76,(Tr 54,55**) All sums being received by either Nona Thomas or Eloise Chandler. **(App 90 (Tr 58,59)**

On one occasion the sum of $200 was paid by Deborah Weekly on behalf of Curtis Johnson to Nona Thomas. **App 44** This receipt being #044067 with an initial notation of legal fees that was subsequently changed to deposition fee by Ms. Thomas. Receipt number #044067 is in the same

hand writing as the receipt numbered 044114 and 011593 with the initial n.t. appearing by the Respondent's name indicating Nona Thomas wrote the receipts. **App 44, 76 (TR 59)**

Mr. Johnson was convicted of the crimes of assault in the First Degree (2 counts) and Armed Criminal action (2 counts), in Case Number 93CR5722. **App 4** Subsequent to that conviction filed a post conviction remedy under Supreme Court Rule 29.15. One allegation was that he had paid for a deposition that was not taken.

A hearing was had before the Honorable Bernhardt Drumm who found that the Respondent had wanted to dispose some of the State's witnesses and requested of Movant (Mr. Johnson) and his family that they provide the Respondent with the necessary funds but the funds were not forthcoming. **App 4**

In 2001, eight years later, Mr. Johnson raised the issue of a deposition again with the fee dispute committee. The letter regarding binding arbitration and date of hearing was sent to Respondent January 16, 2002 to an incorrect address being received by Respondent on February 1, 2002. **App 18, 25** The decision regarding the dispute was sent to the Respondent at her correct address being received on 2/6/02. **App 18,25**

Respondent notified the Fee Dispute Committee by letter dated 2/7/02 that she had not received notice of the hearing on January 24, 2002 until after the hearing and received a response from the Fee Dispute Committee by letter dated February 11, 2002. **App 25** It should be noted that the decision before the fee dispute committee was ex parte and not binding.**App 25**

Because of the finding, on January 24, 2002, Mr. Johnson, then filed a complaint with the Bar. When the Respondent was told of the complaint in the Committee meeting of November 20, 2002, and wanted to respond, and Ms. Joyce Capshaw of the Committee did not allow the Respondent to respond. App 59 (Tr 14,15)

The Respondent raised the issues of res judicata or in the alternative collateral estoppel during the hearing of June 28, 2004, because this issue of the deposition payment was raised in the civil challenge of Curtis Johnson vs. State of Missouri and the Honorable Bernhardt Drumm rendered in Case No. 676323 which found that Mr. Johnson had not paid for a deposition. **App 4, App 76 (Tr 43-44)**

The issue of laches was also raised for a period of 8 years had passed and the funds received were utilized for costs but the records of the Respondent which would have identified the costs and corresponding

amounts were no longer available. **App 12** The Respondent stated she was not provided with additional funds for costs and she introduced an exhibit indicating 32 witnesses being endorsed in the underlying criminal case. Additionally Respondent testified there was the costs of copying, etc**. (App 76 (Tr 137-139)**

Dunn Complaint

In October 2001, Shevron Dunn conferred with the Respondent regarding an expungement. **App 76 (Tr 30,31)** She did not retain the Respondent, however, until March 11, 2003. **App 76 (Tr 30,31)** The Respondent prepared the expungement document on March 13, 2002, and Respondent stated she would file the document by hand that afternoon. **App 52,76(Tr 26, 34)** It was not filed that afternoon by hand. When Ms. Dunn inquired she was notified that the document had been filed by mail.

The office of the Respondent consisted of the Respondent and a clerk/typist. Leslie Gary. Beginning March 17, 2002, she began to have false labor pains. **App 54** Mrs. Gary did not work the remainder of March 2002 and on April 5, 2002, she gave birth by Caesarian section and did not work the entire month of April 2002 returning to work on May 5, 2002. **App 54**

During this same period (late March to mid-April) the Respondent became ill with a virus and had to restrict her work hours. **App 76 (Tr 68-72, 94)**

In April 2002, when notified by Ms. Dunn that there was no showing that the document had been filed, she requested Ms Dunn call back in several days. **App 76 (Tr 38,39)** After verifying that indeed there was no filing, she requested that Ms. Dunn again come in and sign the petition because it had to be verified and the Respondent would attempt to walk it through. **App 49, App76 (Tr 34)** Ms. Dunn refused and requested a refund. The Respondent refunded to Ms. Dunn the initial amount paid, as well as the filing fee. **App 76 (Tr 40), App 53** Ms. Dunn filed a complaint.

Violation of Rules 8.1(b) and Rule 8.4(d) by Failing to Cooperate Due to Respondent Failure to Retaining a Consultant

During the meeting of November 20, 2002, it was suggested by Ms. Capshaw that Ms. Hardge-Harris needed someone to mentor her or act as a consultant to help the Respondent manage her office better. **App 59 (Tr 5-16)** Mr. Tom Lewin was to act a liason and to follow up with the Respondent. Mr. Lewin was the only contact with the Respondent and the Committee. **App (Tr 6-15)**

During the contacts with Mr. Lewin, he was informed by the Respondent that she had made contact with the person suggested but had not understood that the consultant was to be retained. **App 79 (Tr 14, 124-129)** The Respondent further advised Mr. Lewin that she had a decreased work load and handling the office by herself without staff. At no time did the Respondent refuse but explained finances didn't allow for the hiring of a consultant that could possibly run into the thousands. App 79 (Tr 102-105) App 123-124,

The Respondent was never informed during the hearing that the meeting with the consultant was mandatory. **App 59 (Tr 5-16)** The Respondent was never informed during any conversation with Mr. Lewin that the hiring of the consultant determined whether or not an information was filed before this Court. App 76 (Tr 100,)The Respondent testified that the first time she became aware of the REQUEST TO PLACE FILE IN, OR REMOVE FILE FROM, 'HELD STATUS" form was during the hearing before the Advisory Committee on June 28, 2004. **App 76 (Tr 119, 120)**

The date of the Request to Place File In, or Remove File From, "Held Status" form was 3/20/03. It was removed June 4, 2003. App 124

The Informant amended the petition to charge violations of Rules 8.1(b) and 8.4(d).

POINTS RELIED ON

I

THE FINDING BY A COURT OF COMPETENT JURISDICTION THAT THE RESONDENT DID NOT RECEIVE MONEY FOR A DEPOSITION IS A BAR TO LITIGATION REGARDING THE SUM IN QUESTION AND VIOLATIONS OF RULES 4.8-4(c) AND 4.1-16(d)

Rule 4.8-4(c)

Rule 4.1-16(d)

Deatherage vs Cleghorn, 115 SW3d 447

POINTS RELIED ON

II

THE FAILURE OF THE RESPONDENT TO REIMBURSE MONEY TO MR. JOHNSON IS NOT A VILATION OF RULE 4.8.4(C) AND 4.1-16(d)

Rule 4.8-4(c)

Rule 4.1-16(d)

Northwest Plaza, L.L.C vs. Michael Glen, Inc and Byron Stevens Enterprise, Inc 102 SW3d 552 citing Mississippi-Fox River Drainage District No. 2 vs. Plenge, 735 C.W.2d 748

POINTS RELIED ON

III

THE COURT SHOULD LOOK AT THE ACTS OF THE RESPONDENT, THE COMPLAINING WITNESS AND ALL ATTENDANT CIRCUMSTANCES IN DECIDING WHETHER OR NOT THERE HAS BEEN A VIOLATION OF RULES 4-1.3,4-1.4,4-3.2,4-8.4(C)

Rule 4.1.3

Rule 4.1.4

Rule 4.3.2

Rule 4.8-4

POINTS RELIED ON

IV

THE COURT SHOULD LOOK AT THE ACTS OF THE OF THE RESONDENT, THE REQUEST MADE AND ALL ATTENDANT CIRCUMSTANCES IN DECIDING WHETHER OR NOT THERE HAS BEEN A RULE VIOLATION OF 8.1(b), 8.4(d)

ARGUMENT I

THE FINDING BY A COURT OF COMPETENT JURISDICTION THAT THE RESPONDENT DID NOT RECEIVE MONEY FOR A DEPOSITION IS A BAR TO LITIGATION REGARDING THE SUM IN QUESTION AND VIOLATIONS OF RULES 4.8-4 (c) AND 4.1-16(d)

The issue is whether or not the Respondent received the sum of $200 for depositions. The Respondent has stated that the sum was received but was not utilized for depositions. There were costs to be paid in the criminal case of State of Missouri vs. Curtis Johnson 93CR-5722 and this sum paid them.

The issue of an amount for depositions was first raised by Mr. Johnson during the hearing of Mr. Johnson's post conviction hearing pursuant to Rule 29.15. The order and finding issued in Mr. Johnson's post conviction remedy, i.e. Curtis Johnson vs State of Missouri 676323 stated the Respondent was not paid for a deposition. The Court in paragraph 8 of it order stated:

> "That Peggy Hardge-Harris had wanted to depose some of the State's witnesses and requested of Movant and his family that they provide her with the necessary funds to cover the expenses of these depositions but the funds were not forthcoming." App 4 (emphasis added)

Rule 4.8.4(c) basically alleges that the Respondent engaged in conduct involving dishonesty, fraud, deceit or misrepresentation as it relates to the $200. That can not be true if the Respondent never received the $200 for depositions. Further, $200 cannot pay for some depositions. (emphasis added).

Rule 4.1.16 (d) requires a lawyer to surrender paper and property to which the client is entitled and refunding any advance payment of fee that has not been earned. The Respondent contents there is no amount to which Mr. Johnson is entitled.

One has to wonder if Mr. Johnson has an interest in $200 or if this is an attempt to gather whatever is necessary for him to file a Federal writ of habeas corpus.

Respondent contends that the issue of whether or not the Respondent was paid $200 for a deposition cannot be relitigated based on the doctrine of collateral estoppel or issue preclusion.

For this doctrine to apply, certain elements must be present. They are:

(1) the issue decided in the prior adjudication mirrors that in the present action;

(2) the prior adjudication resulted in a final decision on the merits;

(3) the party against whom collateral estoppel may apply participated as a party in privity with a party to the prior adjudication; and

the party against whom the doctrine may apply has had a full and fair opportunity litigate the issue. *Deatherage vs. Cleghorn*, 115 S.W. 3rd, 447 at 454.

All of these requirements were met based on the order and finding issued in Mr. Johnson's post conviction remedy, i.e. Curtis Johnson vs State of Missouri 676323 stating the Respondent was not paid for a deposition. App 4

The prior adjudication mirrors the present action. The order entered was a final decision on the merits. Mr. Johnson was a party to the prior adjudication and had a full and fair opportunity to litigate the issue.

The Respondent has also stated the defense of res judicata based on the prior finding of the Honorable Bernhardt Drum on Mr. Johnson's post conviction motion in paragraph 8 of his order in which he found the Respondent was not paid for a deposition.

The Courts have usually held that the defense of res judicata if the following elements are satisfied: (1) identity of the thing sued for; (2) identity of the cause of action; (3) identity of the persons or parties to the

action; and (4) identity of the quality or status of the person for or against whom the claim is made. *Deatherage vs. Cleghorn* 115 S.W. 3rd 447, 454.

All of these elements were met during the hearing on the post conviction remedy. Further there was final judgment on the merits. Respondent contends the defense of res judicata is available her.

ARGUMENT II

THE FAILURE OF THE RESPONDENT TO REIMBURSE MONEY TO MR. JOHNSON IS NOT A VIOLATION OF RULE 4.8.4(C) AND 4.1-1.16(D)

It must be noted that Mr. Johnson knew of the ruling in the case involving his post convicting remedy. He knew that The Honorable Bernhardt Drum stated no money was paid for depositions. Knowing this, Mr. Johnson still filed a complaint with the Fee Dispute Committee.

The address used by Mr. Johnson was incorrect. App 25 The notice sent to the Respondent was sent to the wrong address and not received prior to the hearing date of January 24, 2002 but rather in February 2002.

The Respondent was aware of the finding of the Court in Mr. Johnson's civil post conviction remedy. The Respondent also knew that if she refunded any sum to Mr. Johnson, this could possible give rise to a Federal writ of habeas corpus action. She could not believe that Mr. Johnson's actions were honorable but rather they had an ulterior motive. However, the Respondent was willing to go ahead with a hearing in this matter but the Fee Dispute Committee stated she had to agree to be bound by their decision. App 12. This the Respondent could not do with her knowledge of the prior ruling of the Court and the possibility that Mr.

Johnson was merely trying to ensure that he had grounds for a Federal writ of habeas corpus.

Further, if the Respondent had participated in the hearing, assuming she had received proper notice, she would have raised the issue of laches, collateral estoppel and res judicata.

The Respondent knew in 2002 she could not present an itemization of the expenditures because of the passage of time. For this reason she was prejudiced for the Respondent waited 8 years to come forward. The defense of laches was available to her. It is important to note that the first hearing the Respondent had regarding Mr. Johnson was before the Advisory Committee on June 28, 2004. She was not allowed to answer during the hearing on November 20, 2002 App 59 (Tr 14,15).

The Respondent raises the defense of laches as it relates to violating any rule by not returning the money. Mr. Johnson by waiting 8 years prejudiced the Respondent's ability to answer and should operate to keep him from proceeding.

The defense of laches is an equitable one and is available when the delay is prejudicial to the party asserting the laches defense. *Northwest Plaza, L.L.C. vs. Michael-Glen, Inc and Byron Stevens Enterprises, Inc.*,

Defendant/Appellant, 102 S.W. 3rd 552 citing *Mississippi-Fox River Drainage District No. 2 vs. Plenge,* 735 S.W. 2d 748, 754.

The Respondent has stated that the files and documents are no longer and she would be unable to adequately enumerate the costs that utilized the $200. That sum was paid in 1994.

Though the Respondent had in also filed a motion to dismiss the Informant's brief for not complying with Rule 84.04(d), Respondent must note that it was especially difficult to respond and or formulate an intelligent Point/Response to Informant's Argument II, regarding Curtis Johnson. T

The Respondent doesn't know:

(a)if she accused of not participating in a hearing when she wasn't given proper notice, as admitted to by the Fee Dispute Committee, App 18, 25;

(b) did not give Mr. Johnson $200 because of the ruling in a hearing which was *ex parte* and according to the Rule 9.03 of the Fee Dispute Committee she was not bound, App 31, 18;

(c) did not agree to be bound and thereby get another hearing when the Respondent had valid defenses.

So the Respondent has attempted to give this Court a response in spite of not being able to ascertain from Informant's Argument II, with specificity what acts to explain.

ARGUMENT III

THE COURT SHOULD LOOK AT THE ACTS OF THE RESPONDENT, THE COMPLAINING WITNESS AND ALL ATTENDANT CIRCUMSTANCES IN DECIDING WHETHER OR NOT THERE HAS BEEN A VIOLATION OF RULES 4-1.3, 4-1.4, 4-3.2, 4-8.4(c)

When Ms. Dunn retained the Respondent the Respondent had every intention of hand-filing the petition and obtaining a date. However, the petition was not hand-filed. The Respondent informed her it was filed by mail.

Ms. Dunn's letter of April 9, 2002 to the Chief of Disciplinary Council (spelling as noted in the letter) (#9) specifically states "I asked her whether on not if she even filed my case and she she that she did it by mail." This letter of April 9, 2002 was transmitted to Ms. Anderson who then transmitted it to the Respondent requesting that the Respondent answer said complaint. The Respondent's answer was then transmitted to Ms. Dunn. In the Respondent's answer, the Respondent stated she told Ms. Dunn it was filed by mail. Ms. Dunn also states this in her initial letter of April 9, 2002 (2nd page). However, when Ms. Dunn responds to Ms. Anderson by letter of June 12, 2002 she states in all caps: "SHE DID NOT TELL ME THAT

THE PETITION WAS FILED BY MAIL. This is her way of trying to cover herself by saying that she mailed it and it may have gotten lost."

Why would Ms. Dunn say this in her letter to Ms. Anderson but stated the opposite and verify that I did inform her it was filed by mail when she initially wrote to the Disciplinary Counsel in her first letter?

During the hearing, these questions were asked by the Respondent?

Q: Subsequently when you talked to me, I told you it had been mailed in; did I not?

A: Yes, you said you mailed it.

Q. Thank you.

A. Mailing it and filing it are two different things, so just, that how I understood it, there is a difference between saying you mailed it.

It should be noted that Ms. Dunn first came to the Respondent regarding this matter in October 2001, though Respondent wasn't retained until March 11, 2002. At the time that the Respondent was retained, she noted to Ms. Dunn that she knew that she had to do this last year and asked why did she wait so long when she wanted to take the test. Respondent expressed doubt especially when given the tight time frame because there can always be extenuating circumstances that cannot be controlled and so expressed them to Ms. Dunn..

Ms. Dunn verifies that the Respondent had concerns regarding the tight time frame.

Q: (By Ms. Hardge-Harris) At the time you came in, in October of 2001 or around that time, much before March, but in 2001, that was when I gave you the price, wasn't it?

A.Yeah, in order for me to know how much you charge to do your services.

Q.And at that time I asked you why had you waited so long, when you knew this had to be done, and you had talked to me last year and you were coming in, in March, but however, I would try; did I not?

A. That still doesn't have anything to do with that. I'm getting ready to answer the question, but the point is, is whether or not you say you would try and I can recall you stating to me that you would make the attempt to do that …. (A 9) emphasis added

C. Ms. Dunn's testimony would lead one to believe that the office was operating normally. That the Respondent was not out sick. That Leslie was in the office and that it was business as usual.

When questioned about the time frame, Ms. Dunn answers as follows:

Q: Now, you said the first time that you called me was thirty days later, which would have made it around April 11; is that correct?

A. I said after a month went by, yes.

Q. After a month, and you said that you talked to Leslie at that time?

A. I talked to, as a matter of fact, I did speak with her and I know you said in the letter that she was on, April 5th she gave birth to a son, or whatever, but I wasn't going to play games with words with you on dates or anything.

Q. You said—

MS. CAPSHAW: I object, she's not finished with her answer.

THE WITNESS: Yeah, I wasn't about to play games with words with you with specifics on whether or not if was, if it was thirty days, or whether or not it was three weeks-and-a-half, or whatever.

The record of the Committee was kept open to allow introduction of the medical records of Leslie Gary. Those records indicate Ms. Dunn could not have talked to Leslie a month later or 3 weeks later. Leslie started experiencing false labor pain beginning March 17, 2002, giving birth by Caesarian section on April 5, 2002.

Of course in the latter part of March, 2002, shortly thereafter Respondent, became ill with a virus and did not return full time until the latter part of April 2002. (Mr. Rooks)

Even after finding out there was no record of the filing, the Respondent requested that Ms. Dunn come in to sign the papers again, Ms. Dunn refused. One can only assume that Ms. Dunn not understanding the legal requirement of the petition and the fact that the petition had to be verified contributed to the problem and even the complaint. That is stated because of this testimony:

Q: (By Ms. Hardge-Harris) I mentioned to you that I would re-file that; did I not?

A. Yes, you did.

Q. And I told you in order for me to re-file it, because I didn't have the original one and it had to be notarized, that you would have to come into the office and sign another one; is that correct?

A. You are a notary and you also have a copy of what you did, because you could have told me to being the old one in, and I do have have a copy of the old one right here, so—

Q. Did I not tell you that in order to file it, because the Court needs an original, that you would have to come in and re-sign the document for me?

A. You didn't have to do all of that, you just stated,…

(A-9, 10)

The petition for an expungement must be verified. (XX)

The Respondent could have still accomplished and the task and wanted to do so but Ms. Dunn refused and did not want the Respondent to continue.

At this point one can see that:

(1) Ms. Dunn did not understand a petition can filed by mail or if she does, does not indicate it by her testimony;

(2) Ms. Dunn believed that her signature was not needed on the new petition and thought the Respondent was indulging in trickery I

The Respondent when told not to continue refunded the sum paid to her by Ms. Dunn.

The Respondent is charged with the following:

Rule 4.11-3 by failing to act with reasonable diligence and promptness in representing a client.

Please note: The Respondent was retained on March 11, 2002. The petition was prepared and signed on March 13, 2002. Evidence verifies that the Respondent was ill latter March 2002 with a virus over into April 2002. The clerk/receptionist was out . The Respondent offered to redo the petition but the Respondent's employ was terminated and all fees were returned no later than April 24, 2002.

Rule 4.1-4 by failing to advise the client of the status of the case and failing to respond to inquires.

Ms. Dunn was aware the petition had been prepared because she signed it. She was also informed that the petition had been filed by mail. The Respondent could not answer when not in the office, but did respond promptly when advised by Ms. Dunn that the petition was not filed.

Rule 4.3.2 by failing to make a reasonable effort to expedite the client's lawsuit consistent with the client's interes.

The petition was prepared and signed on March 13, 2002 after the Respondent was retained on March 11, 2002. The Respondent requested of Ms. Dunn that she be allowed to resubmit the petition, at which time Ms. Dunn refused and terminated her services.

Rule 4.8.4 (c) by engaging in conduct involving dishonest, deceit and misrepresentation.

There has been no showing of dishonesty, deceit and/or misrepresentation. The legal and filing fees were returned. The petition was prepared and signed. There is evidence of Respondent's illness and the absence of Leslie from the office during the time when Ms. Dunn said she was talking to her.

ARGUMENT IV

THE COURT SHOULD LOOK AT THE ACTS OF THE RESPONDENT, THE REQUEST MADE AND ALL ATTENDANT CIRCUMSTANCES IN DECIDING WHETHER OR NOT THERE HAS BEEN A VIOLATION OF RULES 8.1(b); 8.4(d)

On the day of the hearing, June 28, 2004, the Informant amended its petition to charge the Respondent with violating Rules 8.1(b) and Rule 8.4 (d).

Rule 8.1(b) by failing to respond to a lawful demand for information from a disciplinary authority, and

Rule 8.4 (d) by engaging in conduct that is prejudicial to the administration of justice.

Respondent in looking at those Rules realize they are quite expansive. However, she questions whether or not she violate them because she did not hire a consultant due to the Respondent being financially challenged, at the time.

What lawful demand for information was requested that was not given?

What conduct was prejudicial to the administration of justice by not hiring a consultant?

When the Respondent was told the Committee wanted to help in November 20, 2002, they did not mention fee for the Consultant. At no time did they mention an Information hung in the balance. Neither did they mention a hold order or the possibility of one on November 20, 2002. As to the hold it was not placed until March 2003 and released June 2003.

CONCLUSION

Respondent humbly submits to the authority and power of this Court.

This event is not one she ever thought she would make again in life.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of January, 2005, two copies of Respondent's brief was sent via First Class mail to:

Sharon K. Weedin
Staff Counsel
3335 American Avenue
Jefferson City, MO 65109

CERTIFICATION: RULE 84.06 (c)

I hereby certify to the best of my knowledge, information and belief, that this brief:

1. Includes the information required by Rule 55.03
2. Complies with the limitations contained in Rule 84.06(b)
3. Contains 4,893 words, according to Microsoft Word, which is the word processing system used to prepare this brief.

_____
Peggy Hardge-Harris